

**TIVERTON PLANNING BOARD
MINUTES OF MEETING
August 5, 2014**

Chairman Stephen Hughes called the regular meeting of the Tiverton Planning Board to order at 7:02 P.M. at the Town Hall, 343 Highland Road. Members present were: Vice Chairman Stuart Hardy, Patricia Cote, Rosemary Eva, Susan Gill, Carol Guimond, Edward Campbell and Peter Corr. David Saurette was absent.

Also in attendance were: the Planning Board's Clerk and Administrative Officer Kate Michaud, Director of Public Works Stephen Berlucchi and the Planning Board's Solicitor, Peter Ruggiero, Esq.

1. Maria G. Moreira – 990 Stafford Road – Tiverton, RI 02878 – Two (2) Lot Minor Subdivision (No Road Required) – Zoning Board Approval Required – Plat 213 / Lot 136 – 988 Stafford Road & 990 Stafford Road – R-60 Zoning District / Watershed Protection Overlay District – Time Clock Waived – Continuance Requested by the Applicant – Continued from 6/3/2014 No one was present on behalf of the petition. Ms. Michaud stated that she had received an email from the project surveyor / engineer Donald Medeiros of Able Engineering indicating that the petition would be withdrawn, but nothing had been received from the owner / applicant. Ms. Eva made a motion to continue this item pending the confirmation of the withdrawal in writing. Mr. Hardy seconded the motion. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell and Mr. Corr voted in favor of the motion.

2. Daniel B. & Elizabeth Rocha – 427 Fish Road – Tiverton, RI 02878 – Preliminary Plan Review – Two-Lot Minor Subdivision (Existing house plus one lot) – 427 Fish Road – Plat 112 / Lot 258 – W/S Fish Road, E/S Richard Drive – R-30 Zoning District (Zoning Board Relief Required for Frontage) – Continued from 7/15/2014 – MN03-14 – Time Clock 09/14/2014 (65 Days from Date of Certificate) Owner/applicant Daniel Rocha and engineer Todd Chaplin of Mt. Hope Engineering were present on behalf of the petition. Owner/applicant Elizabeth Rocha was present in the audience. The Chairman stated that corrected plans were received yesterday with a stamped survey plan attached. Mr. Chaplin stated that the plan was unchanged other than the corrections and additions requested by the Planning Board. The Chairman asked Mr. Chaplin to address the letter that was received from surveyor Donald Medeiros of Able Engineering regarding the survey work that was done. Mr. Chaplin stated that he and Mr. Medeiros had some different interpretations on some issues, and that he had spoken with him yesterday. Mr. Chaplin reviewed the corrections required by the Certificate of Completeness.

Mr. Berlucchi requested that future versions of the plan should have the existing cul de sac at the end of Richard Drive labeled as "private". Mr. Corr and Mr. Berlucchi briefly discussed the existing drain line under the area of Richard Drive to be improved. Mr. Berlucchi stated that he was requiring the pipe to be replaced with a pipe capable of handling vehicular traffic.

Ms. Eva expressed concern regarding separate survey and engineer plans, stressing the importance of recording both. Mr. Corr stated that the existing septic system should be located on the engineer plans. Mr. Chaplin agreed. Ms. Eva stated that with regard to Richard Drive, the edge of pavement should be shown and a note should be added stating that the extension would be constructed by the applicant. Ms. Michaud stated that surety would need to be posted or the work performed prior to recording. She added that work would need to be inspected and approved by Mr. Berlucchi. Mr. Hardy asked why the extension of Richard Drive must be paved. Mr. Berlucchi replied that gravel presented a maintenance problem for the Town, and that if the Town was going to accept it the road would need to be paved.

Mr. Corr noted that the north side dimension differed between the survey plan and the engineer plan. (280.94' on survey plan and 280.88' on the engineer plan) He stated that these should be identical. The Chairman reviewed further corrections to the plan, including:

- Depict existing OWTS on the property,
- Correct the north side dimension,

- Add “private” to the existing cul de sac,
- Add a note regarding the extension of Richard Drive.

Ms. Michaud added that the applicant must also submit (at Final Plan):

- A letter from North Tiverton Fire District (NTFD) regarding availability of water,
- A letter from the Fire Department regarding the turnaround, and
- Surety, if required. She noted that work must be supervised by Mr. Berlucchi and work within the right of way must be performed by a licensed street excavator.

The Chairman asked the Board if the applicant could proceed to the Zoning Board with the current plan and then, if Zoning Board approval is received, return to the Planning Board with a corrected Final Plan. Ms. Eva stated that she would prefer to send a corrected plan to the Zoning Board. The Chairman noted that the Board was giving the applicant new corrections that the Board did not pick up on at the last meeting. Mr. Hardy stated that he was in support of the relief for frontage, with non-substantive corrections to the plan outstanding. Mr. Hardy made a motion to grant Conditional Preliminary Plan approval and to make a positive recommendation to the Zoning Board with regard to relief for substandard frontage (less than the 120' required). The conditions included the items listed by the Chairman and Ms. Michaud. Mr. Corr seconded the motion. Mr. Corr and Ms. Cote requested a Final Plan with the survey and engineering information on a single plan. The motion passed 7-1. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Gill, Ms. Guimond, Mr. Campbell and Mr. Corr voted in favor of the motion. Ms. Eva was opposed.

3. WBR, LLC – c/o DiPrete Engineering – Two Stafford Court – Cranston, RI 02920 – Amendment to Approved Final Plan – Location of Utilities – Harbor Ridge – 14 Lot Major Subdivision (16 Dwelling Units) – Approved August 7, 2012 – Not Recorded – Plat 118 / Lot 104 – S/S Hayden Avenue – East of Main Road – R-30 Zoning District Engineer Christopher Duhamel of DiPrete Engineering and Robert Carr of WBR, LLC were present on behalf of the petition. Mr. Duhamel stated that they were present to request to move the utilities to above ground, as they are on Hayden Avenue. He stated that the economic conditions had lowered property value and that the underground utilities would add approximately \$4,000 per home to the cost. He added that an above ground electrical easement currently runs across the site. Mr. Duhamel reviewed other benefits of the development, including improvements to Hayden Avenue, sight distance improvements at the intersection of Main Road and Hayden Avenue (to 270') and the provision of affordable housing.

The Chairman stated that the approval was granted based on all of those benefits plus the underground utilities. He stated that they were all elements of the approval. Mr. Hardy stated that he was not on the Planning Board for the beginning of the development application process, but that the neighbors were already unhappy with the subdivision approval. Mr. Hardy stated that underground wires would be more reliable in storms and that there is an aesthetic benefit. He added that a lot of work had been done on design standards and making the general area more attractive. Mr. Duhamel noted that the new development would have street trees.

Mr. Hardy stated that if there was a technical reason for the change or some type of drastic hardship he might be amenable, but he did not find this to be the case. He expressed concern about setting precedent. He added that the Comprehensive Community Plan talks about the desirability of underground utilities. Ms. Eva stated that the Board had required underground utilities during the review of this project.

Mr. Carr stated that conditions and the economy had changed, and that affordable housing was a difficult element. He stated that prices and financing made market rate units with no restrictions more attractive. He added that the area is wooded, so you would not be able to see the poles. He stated that he thought that the off-site improvements would warrant an exception. The Chairman stated that he thought that the underground utilities would be a selling point due to increased reliability.

Ms. Guimond asked how many affordable units were included. Mr. Duhamel replied that there were two lots, for a total of four units. Ms. Cote opined that the Board must abide by the rules and must be concerned with setting a precedent. Mr. Corr agreed, stating that he did not think that the approved plan should be amended.

Ms. Gill stated that she would defer to the other Planning Board members since she was not on the Planning Board when the development was reviewed.

Ms. Eva asked when construction on the project would begin. Mr. Carr replied that it would be an issue of the economy.

Mr. Hardy made a motion to deny the proposed amendment to the approved Final Plan. Ms. Eva seconded the motion. The motion passed 7-0-1. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Guimond, Mr. Campbell and Mr. Corr voted in favor of the motion. Ms. Eva abstained.

4. Jonathan and Rebecca Cottrell – 35 Main Road – Tiverton, RI 02878 – Design Plan Review – Zoning Board Approval Required – Construction of Second Floor Addition to Existing Building – New Area to Include Six (6) One-Bedroom Dwelling Units – First Floor to Remain Commercial – Plat 101 / Lot 118 – W/S Main Road, E/S Audet Street – Traditional Main Street (TMS) Zoning District Architect Melissa Hutchinson and owner/applicant Jonathan Cottrell were present on behalf of the petition. TRC (Technical Review Committee) minutes had been distributed. (7/9/2014) Ms. Hutchinson described the project, noting that there would be no change to the existing footprint. She opined that the project would be in keeping with the Comprehensive Community Plan and would improve the walkability of the area. She noted that the use of the first floor would be unchanged.

Ms. Hutchinson noted that she had brought color samples to the meeting in accordance with the staff report. She stated that vinyl products would be used, with breaks in the massing through use of different textures. She stated that the gable ends would have a cedar shake look. She noted that Tom Principe had been engaged to prepare a site plan. She stated that a structural plan had been completed and that the second floor would not be a problem due to the steel construction. Ms. Hutchinson noted that the property had previously been used as a bowling alley.

Ms. Hutchinson stated that plantings could be added if space allows. She stated that she had pulled a spec sheet on motion detected wall lights that would be used. She added the code requirements regarding lighting would be met.

Mr. Corr asked if sprinklers would be required. Mr. Cottrell replied that the Fire Chief had indicated that sprinklers would be required, in addition to an upgraded alarm system. Ms. Eva inquired about the sewer connection, asking if the sewer line in Audet Street was existing. Ms. Hutchinson replied that they had met with Wastewater Management Superintendent John Lincourt, who had agreed that the subject parcel could tie into the existing line in Audet Street. Mr. Cottrell added that there would be no change to the two-family dwelling on the parcel, other than to tie it into the sewer system. Mr. Berlucchi noted that the sewer line in Audet Street is shallow.

Mr. Berlucchi inquired about the traffic pattern. Mr. Cottrell noted that there were two (2) existing curb cuts on Main Road and one (1) on Audet Street. Ms. Hutchinson stated that project engineer Thomas Principe would file a RIDOT (RI Department of Transportation) PAP (Physical Alteration Permit) application.

Mr. Hardy opined that this was a very positive proposal and that this type of mixed-use development could create a critical mass of people to assist in an economic revival. He opined that the design was in synch with what the Planning Board was looking for. Ms. Eva stated that she was not comfortable proceeding without a surveyed plan with parking spaces lay out with dimensions. Mr. Berlucchi inquired about rubbish. Mr. Cottrell replied that it would be handled privately, with a dumpster. He stated that it would be shown on the plan, and that a survey would confirm that the parking is as required. Ms. Hutchinson noted that a survey plan would be required for the Zoning Board application. Ms. Eva asked if a stamped plan (by a Professional Land Surveyor – PLS) would be required for the Zoning Board. Mr. Ruggiero replied in the affirmative.

Ms. Cote made a motion to continue this petition to the September 2 meeting pending submission of a site plan. Mr. Hardy seconded the motion. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell and Mr. Corr voted in favor of the motion.

5. Stephen & Ann Chace – 115 Nanaquaket Road – Tiverton, RI 02878 – Preliminary Plan Review – Two-Lot Minor Subdivision (No Road Required) – Rural Residential Development (One House Existing) – Plat 401 / Lot 106 – W/S Nanaquaket Road, E/S Sakonnet River (115 Nanaquaket Road) R-80 Zoning District – File Number: MN04-14 – Time Clock – 65 Days from Date of Certificate Owners / applicants Stephen and Ann Chace and engineer Todd Chaplin of Mt. Hope Engineering were present on behalf of the petition. Mr. Chaplin described the petition, which sought to subdivide a single parcel into two parcels leaving an existing single-family dwelling and accessory structure (garage) on one lot. Mr. Chaplin noted that the well for the dwelling was within the garage footprint. He stated that the existing septic system had been upgraded recently and that soil tests for a system on the proposed lot were performed in 2010 and this past July. He stated that there were seven (7) foot water tables with good soils and that there should be no problems with locating a septic system.

Ms. Michaud reviewed the proposal as it related to the Rural Residential Development regulations (Zoning Ordinance Article IX and Land Development and Subdivision Regulations Article VIII). She noted that in accordance with Land Development and Subdivision Regulations Section 23-38d. “The planning board may approve a project that contains a combination of the three types of rural residential developments defined herein, if the individual design elements are consistent with their respective requirements and the overall plan achieves the purposes of this article.”. The purposes of the article were reviewed aloud (Section 23-37). Ms. Michaud noted that the proposed plan was a combination of a Rural Frontage Subdivision and a Rural Subdivision layout.

Mr. Corr inquired about the location of the existing septic system. Mr. Chaplin noted that it was in the area near the symbol with an “s” surrounded by a circle. Ms. Eva inquired about the separation between the well and the septic system. Mr. Chaplin stated that an OWTS (Onsite Wastewater Treatment System) application had been filed with RIDEM (RI Department of Environmental Management), which depicted the location of the abutting septic systems and wells. He stated that the radii were met.

Mr. Corr asked if the garage could be moved, and if it was in good shape. Ms. Chace stated that it was on a slab, and that the well is located underneath the structure. Mr. Chace noted that this used to be a windmill. Mr. Chaplin added that the building is in good shape, and is fairly substantial in size.

Mr. Corr asked if easements would be provided for the driveway. Mr. Chaplin replied in the affirmative. Mr. Corr asked if the driveway could be moved to the south a little, with easements provided, to provide a little more space between the driveway and the northerly property line. Mr. Ruggiero stated that the applicant would need to consider which property owner would be responsible for maintenance of the driveway.

Ms. Guimond stated that she liked the layout, and that it protects the view from the road. Mr. Chaplin noted that there was mature landscaping and trees on site that would remain. Mr. Hardy asked if the applicant had considered providing protected open space. Mr. Chaplin replied that it had been considered but that it wouldn’t change the plan at all.

Ms. Eva noted that the word “Residential” must be added to the title (Rural Residential Development) and that the plan references should be in chronological order. She asked if there were underground utilities. Ms. Chace replied in the affirmative. Mr. Hardy asked if the driveway would be pervious. Mr. Chaplin replied in the affirmative. Ms. Michaud asked if the stone walls on the parcel would remain. Mr. Chaplin replied in the affirmative. Ms. Eva stated that Mr. Ruggiero should review the legal language regarding the driveway easement. Ms. Michaud asked if the OWTS would be approved prior to Final Plan application. Mr. Chaplin replied in the affirmative.

The Chairman asked if the purposes stated in Land Development and Subdivision Regulations Section 23-37 had been met. The Board members agreed by consensus that they had. Mr. Hardy made a motion to grant Preliminary Plan approval, based on positive findings with regard to the purposes of the Rural Residential Development regulations. Ms. Guimond seconded the motion. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell and Mr. Corr voted in favor of the motion.

6. Town Planner & Administrative Officer

A. Administrative Officer's Report The July AO Report was distributed.

1. Special Meeting Scheduled – August 19 @ Tiverton High School It was confirmed that the meeting would be held, with a 7:00 PM start time.

B. Construction Update: Ms. Paiva was not present to give an update. Ms. Michaud stated that inspections were ongoing and that Ms. Paiva had been issuing SWPPP (Storm Water Pollution Prevention Plan) reports.

1. Stafford View Farm.

2. Tiverton Public Library

C. Town Planner Items

1. Update: Stone Bridge Abutment Repairs Comments had been received from RIDOT, and a response was being worked on by the project engineers, VHB.

2. Seaside Gas Update / RWU Community Partnership Center Charrettes were held in July to gather public opinion, and the RWU CPC was currently working on designs based on the input received.

D. Miscellaneous

1. Update from S. Berlucchi on Streets

a. Beech Tree Hill Mr. Berlucchi stated that the public improvements for Beech Tree Hill had been accepted by the Town Council.

b. Daniel T. Church Estates Mr. Berlucchi stated that the homeowners had formed an association and filed documents. He stated that resident Lou Cabral was the organizer and that the documents filed were currently under review.

7. Tiverton Planning Board Continued

A. Solicitor's Report There was no report.

B. Earth Removal – Draft Revisions to Town Code Chapter 38 – Town Council Public Hearing Continued – Amendments Pending Ms. Michaud noted that a Town Council hearing was held on July 14, 2014 and continued to September 8, 2014. Town Solicitor Andrew Teitz indicated that he would be offering amendment based on the discussion at the hearing.

C. Zoning Amendments:

1. Waterfront Area Rezoning: General Discussion The Chairman stated that he would like to see this area as the next priority area for rezoning. He noted that preliminary work had been done, such as mapping and conceptual boundaries for four (4) sub-areas.

D. Correspondence There was no correspondence received.

E. Miscellaneous

1. Comprehensive Community Plan Update – Timeline Review Joint Workshop / Public Hearing Dates Ms. Michaud stated that the CPAC (Comprehensive Plan Advisory Committee) had agreed to a very aggressive timeline for the update of the Comprehensive Community Plan. She stated that a joint Planning Board / Town Council workshop had tentatively been scheduled for September 18, and a joint Planning Board / Town Council public hearing had tentatively been scheduled for October 20.

2. Wind Energy Generation Facilities – Update from Subcommittee There was no update as there were no members of the original subcommittee left to continue the work.

3. Watershed Protection Overlay District Update: Conservation Commission Subcommittee/ Source Water Protection Mr. Hardy noted that work was continuing, noting that the Conservation Commission had held a Special Meeting on July 31 to discuss Stafford Pond. It was noted that the Source Water Protection Plans (Stafford and Nonquit Ponds) were being worked on.

4. Ms. Eva requested a more timely distribution of packets and agendas, in order to allow for adequate time to prepare for meetings.

F. Approval of Minutes:

June 3, 2014 These minutes were not ready.

July 15, 2014 These minutes were not ready.

G. Adjournment: Mr. Hardy made a motion to adjourn. The motion was seconded by Mr. Corr. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell and Mr. Corr voted in favor of the motion. The meeting adjourned at 9:20 P.M.

(Italicized words represent corrections made on the approved date.)

Submitted by: _____

Kate Michaud, Clerk

Approval Date: draft